

### **REMARKS**

The applicant thanks the Examiner for his consideration of the application. The applicant requests continued examination and re-submits this amendment in accordance with 37 C.F.R. §1.114. The amendments herein were submitted in response to the Office Action dated May 16, 2005. The amendments and arguments herein are being re-submitted for the Examiner's consideration in accordance with 37 C.F.R. §1.114 as the amendments were not entered.

As stated previously, claims 3-4, 6-11, 13-16 and 25-27 are pending in the application. The applicant has cancelled claims 1-2, 5, 12, and 17-24 and reserves the right to file one or more divisional or continuation applications containing one or more of the cancelled claims.

The applicant has amended claims 13-15 such that they are independent and each include the limitations of claim 5 as originally presented. Thus the scope of claims 13-15 has not changed from those claims as originally presented. The applicant has amended claims 6-11 and 16 such that they each depend from any of claims 13-15.

### **35 U.S.C. § 102**

The Examiner rejected claims 3 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,347,018 issued to Kadlec et al. ("Kadlec").

Independent claim 3, as amended, is directed to a system for detecting errors in balance related screening test. The system includes a force-plate for measuring forces to determine a quantity related to a stability factor of a balance task performed in trials by a subject under a plurality of distinct sensory conditions and a computation device in communication with the force-plate. Kadlec does not disclose, teach, or suggest a system which includes a force-plate.

The Examiner points to column 4, lines 10-40 of Kadlec as disclosing a force-plate as required by claim 3. The applicant respectfully disagrees that a force-plate is disclosed in column 4 or anywhere else in the Kadlec patent. In accordance with one embodiment of the present invention, a force-plate measures variables of force. In accordance with another example, a force-plate comprises a *force sensing* plate (*see* U.S. Patent No. 5, 476,103, col. 7, lines 57-60 which is incorporated, in its entirety, by reference in the present application,

emphasis added). Various other examples of force-plates are described in U.S. Patent No. 6,010,465, which is also incorporated in the present application by reference.

The digital servo control system disclosed by Kadlec includes a master controller, an input position sensor, an analog to digital converter, a digital signal processor, a power amplifier, an actuator, a summer, a sampling switch and a digital to analog converter (col. 9, lines 4-31). The position sensor “performs the low level functions conventionally performed in disk drives to distinguish the degree to which the heads are following a given track (col. 11, lines 4-6). Kadlec does not disclose, teach or suggest a force-plate for measuring forces as required by amended claim 3 of the present application.

Additionally, Kadlec does not disclose, teach or suggest anything capable of measuring forces to determine a quantity related to a stability factor of a balance task performed in trials by a subject. In accordance with the present application, examples of a “balance task” include, among other things, standing, walking, sitting, standing on a firm force-plate surface with eyes open, standing on a firm force-plate surface with eyes closed, standing on a compliant foam pad placed on top of the force-plate with eyes open, standing on a foam pad placed on top of the force-plate with eyes closed, etc. Kadlec does not disclose, teach or suggest a balance task being performed in trials (or being performed any other way) by anything. Consequently, claim 3, as amended, is not anticipated or rendered obvious by Kadlec. Claims 4 and 25-27 depend from claim 3 and include its limitations. Thus, claims 4 and 25-27 are also not anticipated or rendered obvious by Kadlec.

In dependent claims 13, 14 and 15 are directed to methods for detecting a screening-test error. Each of these claims requires that at least one performance parameter related to at least one screening-test task performed by a subject be measured and that the screening-test task be a balance task. Claims 13 and 14 each requires that the at least one measured performance parameter include a vertical force applied to a force-plate and claim 15 requires that the measured performance parameter include a horizontal force applied to a force-plate. For the reasons stated above, Kadlec does not disclose, teach or suggest a force-plate for measuring vertical force (as required by independent claims 13 and 14 of the present application) or horizontal force (as required by independent claim 15 of the present application). Nor does Kadlec disclose, teach or suggest measuring a performance parameter related to performing a

balance task. Consequently, independent claims 13-15 (and claims 6-11 and 16 which may depend from any of claims 13-15) are not anticipated or rendered obvious by Kadlec.

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**CONCLUSION**

The applicant petitions for a three month extension of time in accordance with 37 C.F.R. §1.136 and requests continued examination under 37 C.F.R. §1.114. Please charge deposit account number 19-4972 in the amount of \$1030.00 in accordance with 37 C.F.R. §§1.16 and 1.17. The applicant believes that no fees are due at this time. If any other fees are required for the timely consideration of this application, please charge deposit account number 19-4972. All the claim rejections have been addressed and all of the pending claims are allowable for the reasons stated and others. Reconsideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,



Elizabeth P. Morano  
Registration No. 42,904

BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
Tel: 617 443-9292  
Fax: 617 443-0004  
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